

REMARKS

Reconsideration of this application and withdrawal of the rejections set forth in the Office Action mailed August 7, 2007, is requested in view of the amendments above and the following remarks. Claims 1-12 were pending and at issue in this application prior to this amendment. By this amendment, Claim 1 has been amended. No new matter has been added.

I. CLAIM REJECTIONS UNDER 35 U.S.C. § 102 OVER SCHAEFER ET AL.

Claims 1-12 stand rejected under 35 U.S.C. 102(b) as being anticipated by Schaefer et al. (U.S. Patent No. 7,029,486). In order to anticipate a claim under § 102(b), a single prior art reference must disclose, either expressly or inherently, each and every limitation of the claimed invention. Applicant respectfully submits that this rejection should be withdrawn because Schaefer et al. does not disclose, either expressly or inherently, Applicant's claimed invention as amended herein. Applicant has amended claim 1 to require that the vaso-occlusive device having loops in which successive loops lie in different planes which form an angle between them, but also have at least two loops which lie in different but parallel planes (i.e. planes which do not form an angle between them). Neither Schaefer et al., nor the other cited prior art, teaches or discloses such a vaso-occlusive device.

Contrary to the Examiner's conclusions in the Office Action, Schaefer et al. does not disclose a device having at least two non-successive loops in planes which are substantially parallel. The loops identified by the Examiner in his labeled Figure 17 from Schaefer et al. shown on page 3 of the Office Action are NOT non-successive loops. The two loops highlighted by the Examiner are clearly successive loops, i.e. one loop immediately followed by the other loop. If the Examiner is

referring to the very small coils used to form the loops, then those coils do not have successive loops which form angles of greater than 30 degrees with the adjoining coils, as required by claim 1.

Accordingly, claim 1 is not anticipated by Schaefer et al. and this rejection should be withdrawn. Claims 2-12 depend from claim 1, and are therefore not anticipated by Schaefer et al. for at least the same reasons applicable to claim 1.

Claim 2

Claim 2 depends from claim 1 and further recites that each plane forming an angle between successive loops is between 45 and 90 degrees. Schaefer et al. is similarly silent as to a coil having loops lying in planes at angles between 45 and 90 degrees. Figs. 3-4 and 8-9, and the accompanying text, of Schaefer, discloses that the angle of the planes between successive loops is about 30 degrees, and not more than 90 degrees and preferably not more than 45 degrees. Thus, Schaefer at most discloses the ranges of less than 90 degrees, or less than 45 degrees, but not the claimed range between 45 and 90 degrees. Therefore, claim 2 is not anticipated by Schaefer et al.

Claim 3

Claim 3 depends from claim 1 and further recites that successive planes of the series of at least 4 loops are perpendicular. Schaefer et al. does not disclose any coils in which successive loops are perpendicular. Indeed, Schaefer et al. specifically excludes such a configuration because it explicitly states that the angle is not more than about 90 degrees. Thus, claim 3 is not anticipated by Schaefer et al.

Claims 8 and 9

Schaefer et al. also does not disclose the inventions of claims 8 and 9, which require that at least one loop comprise a particular shape, namely an elliptical form or an oval form, respectively.

The Examiner points to no teaching in Schaefer et al. of such shapes for the loop of a coil. Thus, Claims 8 and 9 are not anticipated by Schaefer et al.

CONCLUSION

Any claim amendments which are not specifically discussed in the above remarks are not made for reasons of patentability, do not affect the scope of the claims, and it is respectfully submitted that the claims satisfy the statutory requirements for patentability without the entry of such amendments. These amendments have only been made to increase claim readability, to improve grammar, or to reduce the time and effort required of those in the art to clearly understand the scope of the claim language.

In view of the foregoing amendments and remarks, Applicant respectfully submits that all of the Examiner's rejections have been overcome. Accordingly, allowance is earnestly solicited. If the Examiner feels that a telephone interview could expedite resolution of any remaining issues, the examiner is encouraged to contact Applicant's undersigned representative at the phone number listed below.

Respectfully submitted,
VISTA IP LAW GROUP LLP

Dated: October 30, 2007

By: /James K. Sakaguchi/
James K. Sakaguchi
Reg. No. 41,285

JKS:jks
VISTA IP LAW GROUP LLP
2040 Main Street, 9th Floor
Irvine, CA 92614
Telephone: 760-803-5967
Facsimile: 949-625-8955